

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

SEP 22 2006

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

DALVIR SINGH,

Petitioner,

v.

ALBERTO R. GONZALES,** Attorney
General,

Respondent.

No. 04-71353

Agency No. A79-570-204

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Argued and Submitted September 15, 2006
San Francisco, California

Before: HAWKINS and BERZON, Circuit Judges, and SILVER,** District
Judge.

* This disposition is not appropriate for publication and may not be cited
to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

** Alberto R. Gonzales is substituted for his predecessor, John Ashcroft,
as Attorney General of the United States, pursuant to Fed. R. App. P. 43(c)(2).

*** The Honorable Roslyn O. Silver, United States District Judge for the
District of Arizona, sitting by designation.

Dalvir Singh (“Singh”), a native and citizen of India, petitions for review of an order of the Board of Immigration Appeals summarily affirming the Immigration Judge’s (“IJ”) decision finding Singh not credible and denying his application for asylum, withholding of removal, and Convention Against Torture (“CAT”) relief.

Substantial evidence supports the IJ’s adverse credibility determination based on inconsistencies in Singh’s testimony, especially with regard to the events surrounding his June 28, 2000 arrest. *See Chebchoub v. INS*, 257 F.3d 1038, 1043-45 (9th Cir. 2001). These inconsistencies are neither minor nor technical and go to the heart of his claim. *See id.* at 1043.

Because Singh failed to demonstrate eligibility for asylum, it follows that he cannot satisfy the more stringent standard for withholding of removal. *See Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003). It also follows that because petitioner’s CAT claim is based on the same testimony that the IJ found not credible, and he points to no new evidence to support this claim, his CAT claim also fails. *See id.* at 1157.

PETITION FOR REVIEW DENIED.